

Application for Streamlined Process for **FISH HABITAT ENHANCEMENT PROJECTS** Addition to the Joint Aquatic Permit Application Form (JARPA)

Under recent laws, you may qualify for a streamlined permit process with no fees, if your project is designed to enhance fish habitat. If your project meets the requirements below, you are entitled to the streamlined Hydraulic Project Approval (HPA) process, exemption from the State Environmental Policy Act, and exemption from all local government permits and fees. To apply for the exemption process, the applicant must provide on the same day, the JARPA form and this cover addition to: the Department of Fish and Wildlife (WDFW) and all applicable Local Government planning and permitting departments. Local governments have 15-days to provide comments to WDFW, who will use these comments to aid them in making decisions (see below for details).

APPLICANTS - To QUALIFY for the fish habitat enhancement exemption you must check at least one each from A and B:

A) Projects must accomplish one or more of the following fish habitat restoration tasks (check which one applies):

- ☐ Removal of human-made fish passage barriers; or
- ☐ Restoration of an eroded or unstable stream bank using bioengineering techniques; or
- ☐ Placement of woody debris or other in-stream structures that benefit naturally reproducing fish stocks.

AND

B) Projects must **also** be approved in one or more of the following ways (check which apply, and provide details as requested):

- ☐ By WDFW, through the Salmon Enhancement, or Volunteer Cooperative Fish and Wildlife Enhancement Programs; ***Provide project name, and who at WDFW approved the project*** _____;
- ☐ By the sponsor of a watershed restoration plan as provided in chapter 89.08RCW; ***Provide title of plan and date, and approving or sponsoring agency*** _____;
- ☐ By the Department of Fish and Wildlife as a department-sponsored fish enhancement or restoration project;
- ☐ Through the review and approval process for the Jobs for the Environment program;
- ☐ Through the review and approval process for Conservation District sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States Fish and Wildlife Service and the Natural Resource Conservation Service; ***Provide approval date and name of Conservation District approving project*** _____; or
- ☐ Through a formal grant program established by the legislature or the Department of Fish and Wildlife for fish habitat enhancement or restoration (currently the Dept. of Transportation is handling grant applications – contact Peter Downey at (360) 705-7492 for information) ***Provide grant application date*** _____, ***and circle status- Approved, Denied, or Pending.***

To APPLY for the Exemption – if you have checked a box from both A and B above, complete the following:

- 1) Submit this cover letter and a complete JARPA form as an application for the fish habitat enhancement exemption to the Local Government planning department, and WDFW. **These applications must be submitted on the same day** starting a 15-day comment period. If significant concerns are raised during the 15-day comment period regarding adverse impacts that cannot be addressed through HPA conditions, WDFW can determine that the project does not qualify for the exemption process. If this determination is made, the applicant may re-apply to WDFW, the applicable Local Government, and any other applicable permitting agency for approval under the full permitting process.

Provide 1) name and number of habitat biologist at WDFW you applied to

_____, ***and 2) what local government you applied to*** _____;

- 2) Apply for all other Federal and State permits needed as defined in the JARPA form. (Fill in waters of the state will require a 404 permit from the Corps of Engineers, and possibly a 401 Water Quality Certification from Ecology).
- 3) The only work covered by the exemption process must be for fish habitat enhancement. If only a piece of your project is for habitat enhancement, the remainder of the project must be covered by the full permitting process.
- 4) If WDFW determines that your project meets the criteria for the exemption, your project is exempt from SEPA and from local government permits and fees. You will have an answer from WDFW within 45 days of the receipt of this cover letter and complete JARPA form.

LOCAL GOVERNMENTS: PLEASE NOTE – you only have 15 days to review the projects and provide comments to WDFW or your comments will be considered waived. Per the new law, you are responsible for the following:

1. You must accept the JARPA application form and this revised cover addition for project review;
2. If the Local Government chooses to comment on the project, comments (support or objection) must be provided to the WDFW local habitat biologist responsible for the project area within 15-days of receipt of the JARPA form;
3. If determined by WDFW that the project meets the habitat enhancement exemption criteria, SEPA and all local government permits are considered exempt and consistent with the revisions to the WACs, and local government fees are waived.
4. The law determines that “fish habitat enhancement projects that conform to the provisions of the act are determined to be consistent with local shoreline master programs”.

DEPARTMENT OF FISH AND WILDLIFE:

1. Upon receipt of a complete JARPA and request for the fish habitat exemption process, review the proposed project plan for compliance with the requirements listed in section 1 and 2 of 2SHB 2879 (also listed on page 1, applicant section #A and B).
 - a) If JARPA is incomplete or if it is determined that a project does NOT meet the exemption criteria, contact the applicant and local government planning department and inform them the project does not qualify for the exemption. Return JARPA to the applicant. The applicant may reapply to WDFW, the applicable Local Government and other permitting agencies for approval under the full permitting process.
 - b) If JARPA is complete and the project meets the criteria, start the HPA 45-day exemption process (defined below);
1. WDFW must allow 15 days for interested parties, and local governments to provide comments on the project – no approval action can be taken within the first 15 days of receipt of the JARPA;
2. If comments are received, WDFW will decide whether the concerns raised can be mitigated through conditions of the HPA – if yes, continue to #4. If no, WDFW will notify the applicant and applicable Local Government. The applicant may reapply to WDFW, the applicable Local Government and other permitting agencies for approval under the full permitting process;
3. WDFW must approve or deny the HPA, or make a determination that the proposed work does not qualify for the exemption process within 45 days.